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E-Filing

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 05-00798 PJH  
12 Plaintiff, ) GOVERNMENT'S MOTION TO DISMISS  
13 v. ) AND ~~PROPOSED~~ ORDER  
14 THOMAS FITZGERALD McKENZIE, )  
15 Defendant. )  
16 \_\_\_\_\_)

17 The United States Attorney's Office for the Northern District of California moves to dismiss  
18 the indictment without prejudice in the above entitled indictment pursuant to Federal Rule of  
19 Criminal Procedure 48 (a), as underlying prosecution has been included in indictment CR 02-  
20 0266 CRB. There have been no findings regarding factual guilt or innocence. The government  
21 has previously dismissed as to defendant Jason Thomas and Defendant Thomas Fitzgerald  
22 McKenzie continues to be a fugitive

23 DATED: April 27, 2006

24 Respectfully submitted,  
25  
26 KEVIN V. RYAN  
27 United States Attorney  
28 /s/  
C. DAVID HALL  
Assistant United States Attorney

MOTION TO DISMISS  
[CR 05-00798] [PJH]

1 (PROPOSED) ORDER  
2  
3 Upon the motion of the United States, the the above entitled action is dismissed without  
4 prejudice.  
5 Dated: 5/8/06  
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HON. PHYLLIS J. HAMILTON  
United States District Court Judge

MOTION TO DISMISS  
[CR 05-00798] [PJH]